

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SEQUOIA TECHNOLOGY, LLC,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 18-1127 (LPS) (CJB)
	)	(CONSOLIDATED)
DELL INC., DELL TECHNOLOGIES INC. and its	)	
subsidiary EMC CORPORATION (AKA DELL	)	
EMC),	)	
	)	
Defendants.	)	
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RED HAT, INC.	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 18-2027 (LPS) (CJB)
	)	
SEQUOIA TECHNOLOGY, LLC and	)	
ELECTRONICS AND	)	
TELECOMMUNICATIONS RESEARCH	)	
INSTITUTE,	)	
	)	
Defendants.	)	
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**JOINT MOTION FOR ENTRY OF FINAL JUDGMENT**

Plaintiff Red Hat, Inc., Counter-claim Defendant International Business Machines Corp. (“IBM”), Defendants Sequoia Technologies LLC (“Sequoia”) and Electronic Telecommunications Research Institute (“ETRI”), and the Initial Defendants (collectively, Dell Inc.; Dell Technologies Inc.; and its subsidiary EMC Corporation (a/k/a Dell EMC) (C.A. No. 18-1127); Hewlett Packard Enterprise Company (C.A. No. 18-1128); Hitachi Ltd. and Hitachi Vantara Corporation (C.A. No. 18-1129); and Super Micro Computer, Inc. (C.A. No. 18-1307) (all collectively, “the Parties”) hereby jointly request that the Court enter a final judgment pursuant to Federal Rules of Civil Procedure 54 and 58 awarding judgment in favor of Red Hat and the Initial Defendants against

Sequoia's claims of infringement of U.S. Patent No. 6,718,436 ("the '436 Patent") and granting Red Hat declaratory judgment of invalidity as to Claims 8–10 of the '436 Patent.

The Parties provide herewith a Proposed Order granting this motion and a Proposed Final Judgment. The Parties stipulate to the facts identified as stipulated-to in the Proposed Order. As explained in the Proposed Order, the Parties agree that Sequoia cannot maintain its allegations of infringement of any claim or validity of Claims 8–10 under the claim constructions adopted in this Court's claim construction order. Entry of final judgment now will allow the Parties and this Court to avoid spending further time and resources on a motion for summary judgment of non-infringement and invalidity, and on other aspects of litigation, and instead allow Sequoia to promptly appeal the Court's claim construction order to the Federal Circuit. If the Federal Circuit affirms the Court's claim constructions and the judgment of non-infringement and invalidity of Claims 8–10, this would effectively resolve the dispute between the Parties.

Therefore, the Parties respectfully request the Court grant their joint motion for entry of final judgment and enter the accompanying Proposed Order and Proposed Judgment.

BAYARD, P.A.

*/s/ Stephen B. Brauerman*

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